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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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KHYBER TECHNOLOGIES CORPORATION  
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EXAMINER

HARTMAN JR, RONALD D

ART UNIT

PAPER NUMBER

2121

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5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/787,472

Applicant(s)

KUMAR, RAJENDRA

Examiner

Ronald D Hartman Jr.

Art Unit

2121

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is in response to the Amendment filed on 11/24/2003.
2. Claims 1-26 are presented for further examination.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection as set forth below in this office action.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Register et al., U.S. Patent No. 5,606,594.

As per claim 1, Register teaches a handheld device comprising:

- a handheld unit including a processor and a display communicating with said processor and having a voice driven interface (e.g. Figure 3 element 300 and C7 L40-58; "Processing circuitry 301 (that may be, as is conventional, a microprocessor central processing unit) is coupled to display device circuitry, storage circuitry ...");

- a handset including voice input and voice output (e.g. Figure 3 element 310 and C8 L4-10; "The communications circuitry is coupled to microphone circuitry and speaker circuitry.");
- a mechanism for docking the handset with the handheld unit to form a docked unit, the docked unit dimensioned to be held in one hand while being used for voice input and voice output (e.g. Figure on face of patent and C2 L6-10; "... The accessory should conform to the shape of the PDA to allow the two to integrate smoothly into a single unit."); and
- at least one connection for carrying voice-representative signals between the voice driven handheld unit and the handset (C1 L64-C2 L10; "Instead, the PDA should form a part of a telecommunications device, ..., allowing the PDA to not only play a part in managing voice communications for the user, but to send and receive data.")

As per claim 2, a wired connection is taught by Register as the connection of the phone to the PDA (e.g. Figure 3 element 317 and C7 L64-C8 L2; "When the PDA is coupled to the communication accessory, the processing circuitry and other circuitry within the PDA are coupled via a serial, parallel, or proprietary link to communications circuitry within the communication accessory.").

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Register et al., as applied to claim 1 above, in view of Lai, U.S. Patent No. 6,269,259.

As per claims 3-4, Register et al. does not specifically teach a formed ear support to be used by a user during hands free operation.

Lai teaches the use of an ear hook for phones (e.g. Fig 6a, 7 and C4 L44-62; "A receiver set for desktop and mobile phones, comprising ... and an extendable ear hook located along a rim thereof ...").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Lai into Register et al since it would allow for an easier way of holding the phone when it is being used in a hands free operational mode and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

8. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Register et al, as applied to claim 1 above, in view of Umezawa et al, U.S Patent No. 5,491,507.

As per claims 5-6, Register et al does not specifically teach the use of a rotatable camera on the handset.

Umezawa et al teaches the use of a camera with a rotatable joint on a telephone handset (e.g. Figure 7 element 3 and C11 L45-50; "Moreover, the camera may well be made detachable from the body ... the camera ... can be drawn out through a hinge ...").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Umezawa et al into Register since it would permit a user to take pictures in addition to sending voice information, thereby allowing for a user to show his or her surroundings to someone with whom the user has a connected call and this would have been obvious to one of ordinary skill in the art at the time the invention was made, thereby greatly increasing the flexibility of the personal portable communication device.

9. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Register et al., as applied to claim 1 above, in view of Wilska et al., U.S. Patent No. 6,427,078.

As per claims 7-9, Register does not specifically teach the handheld unit communicating with a remote location using wireless cellular communication.

Wilska teaches a handheld unit communicating with a remote location using wireless cellular communication (e.g. Figure 1 element 18 and C3 L37-43; "The notebook computer further comprises a cellular mobile phone unit ... It is connected to

cellular mobile phone controller of data processing unit and to receiver/transmitter antenna.”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Wilska into Register since it would allow for a user to use the PDA/phone without the use of wires thereby allowing for greater flexibility and range and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

10. As per claims 8 and 10, wired communications for telecommunications are inherent to the disclosed system of Register et al. since there exists an electrical connection allowing for the integration of both a conventional cellular telephone and a PDA, as previously explained above.

11. Claims 11-13 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Register et al., U.S. Patent No. 5,606,594, in view of Jones, Jr., U.S. Patent No. 5,974,334.

As per claims 11 and 23, Register et al teaches a communication device comprising:

- a handheld unit including a processor and a display communicating with said processor and having a voice driven interface (e.g. Figure 3 element 300 and C7 L40-58; “Processing circuitry 301 (that may be, as is

- conventional, a microprocessor central processing unit) is coupled to display device circuitry, storage circuitry ...");
- a handset including voice input and voice output (e.g. Figure 3 element 310 and C8 L4-10; "The communications circuitry is coupled to microphone circuitry and speaker circuitry.");
  - a mechanism for docking the handset with the handheld unit to form a docked unit, the docked unit dimensioned to be held in one hand while being used for voice input and voice output (e.g. Figure on face of patent and C2 L6-10; "... The accessory should conform to the shape of the PDA to allow the two to integrate smoothly into a single unit."); and
  - at least one connection for carrying voice-representative signals between the voice driven handheld unit and the handset (C1 L64-C2 L10; "Instead, the PDA should form a part of a telecommunications device, ..., allowing the PDA to not only play a part in managing voice communications for the user, but to send and receive data.")

As per claims 11 and 23, Register et al does not specifically teach communications regardless of whether the handset and the handheld unit are docked.

Jones, Jr. teaches data signals communicated from a handset to a handheld unit regardless of whether the handset is docked to the handheld unit or not (e.g. C1 L50-63; "It is therefore an object of the present invention ... to provide ... a PDA handset ... wherein the handset can be secured during travel... It is another object ... to provide a



PDA with a handset that is readily accessible within an office setting and that maintains full capabilities of the handset, including speaker phone capabilities, and the like.”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the features disclosed by Jones. Jr. into the system as disclosed by Register et al since it would allow for an easy way for a user to use the communication device regardless of whether the phone and the PDA are docked. This allows for greater flexibility in movements for the user since both the phone and the PDA do not need to be affixed in order to use the system for communicating and therefore this additional feature would have been obvious to one of ordinary skill in the art at the time the invention was made.

As per claim 12, Register et al teaches the headset has a power source for providing power to the handheld unit (e.g. C8 L54-65; “As mentioned previously ... a removable battery pack or alternatively, the communication accessory can be equipped with an internal, non removable battery ... to receive power from a power adaptor... providing power links to the communication accessory and the PDA ...”).

As per claims 13 and 24, wired communications for telecommunications are inherent to the disclosed system of Register et al since there exists an electrical connection allowing for the integration of both a conventional cellular telephone and a PDA, as previously explained above.

12. Claims 14-15 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Register et al. in view of Jones, Jr. (Hereafter: Register's combined system), as applied to claim 11 above, in further view of Lai, U.S. Patent No. 6,269,259.

As per claims 14-15 and 25-26, Register's combined system does not specifically teach a formed ear support to be used by a user during hands free operation.

Lai teaches the use of an ear hook for phones (e.g. Fig 6a, 7 and C4 L44-62; "A receiver set for desktop and mobile phones, comprising ... and an extendable ear hook located along a rim thereof ...").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Lai into Register's combined system since it would allow for an easier way of holding the phone when it is being used in a hands free operational mode and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

13. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Register et al., U.S. Patent No. 5,606,594, in view of Wilska et al., U.S. Patent No. 6,427,078.

As per claim 16, Register et al teaches a communication device comprising:

- a handheld unit including a processor and a display communicating with said processor and having a voice driven interface (e.g. Figure 3 element 300 and C7 L40-58; "Processing circuitry 301 (that may be, as is

- conventional, a microprocessor central processing unit) is coupled to display device circuitry, storage circuitry ...");
- a handset including voice input and voice output (e.g. Figure 3 element 310 and C8 L4-10; "The communications circuitry is coupled to microphone circuitry and speaker circuitry.");
  - a mechanism for docking the handset with the handheld unit to form a docked unit, the docked unit dimensioned to be held in one hand while being used for voice input and voice output (e.g. Figure on face of patent and C2 L6-10; "... The accessory should conform to the shape of the PDA to allow the two to integrate smoothly into a single unit."); and
  - at least one connection for carrying voice-representative signals between the voice driven handheld unit and the handset (C1 L64-C2 L10; "Instead, the PDA should form a part of a telecommunications device, ..., allowing the PDA to not only play a part in managing voice communications for the user, but to send and receive data.")

As per claims 16 and 21, Register et al does not specifically teach a card shaped peripheral to be used in a slot formed in the handheld unit.

Wilska et al teaches an image scanner by way of a camera that is electronically programmed onto a card (e.g. Figure 1 element 15 and Figure 5 and C3 L22-36; "In the notebook computer application, the camera is fitted in a circuit card ...").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Wilska et al into Register et

al since it would provide the PDA with the ability to be programmed for performing other functions and this would lead to greater flexibility with the phone/PDA hybrid since it would allow for a user to provide the PDA with a plurality of options and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

As per claim 17, wired communications for telecommunications are inherent to the disclosed system of Register et al since there exists an electrical connection allowing for the integration of both a conventional cellular telephone and a PDA, as previously explained above.

As per claims 18-20, Register does not specifically teach the handheld unit (PDA) communicating with a remote location using wireless cellular communication.

Wilska teaches a handheld unit communicating with a remote location using wireless cellular communication (e.g. Figure 1 element 18 and C3 L37-43; "The notebook computer further comprises a cellular mobile phone unit ... It is connected to cellular mobile phone controller of data processing unit and to receiver/transmitter antenna.").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Wilska into Register since it would allow for a user to use the PDA/phone without the use of wires thereby allowing for greater flexibility and range and this would have been obvious to one of ordinary skill in the art at the time the invention was made.

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14. Claim 22 is rejected as being unpatentable over Register et al in view of Wilska et al (Hereafter: Register's combined system), as applied to claim 21 above, in further view of Umezawa et al., U.S. Patent No. 5,491,507.

As per claim 22, Register's combined system does not specifically teach the use of a rotatable camera on the handset.

Umezawa et al teaches the use of a camera with a rotatable joint on a telephone handset (e.g. Figure 7 element 3 and C11 L45-50; "Moreover, the camera may well be made detachable from the body ... the camera ... can be drawn out through a hinge ...").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Umezawa et al into Register's combined system since it would permit a user to take pictures in addition to sending voice information, thereby allowing for a user to show his or her surroundings to someone with whom the user has a connected call and this would have been obvious to one of ordinary skill in the art at the time the invention was made, thereby greatly increasing the flexibility of the personal portable communication device.

### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (703) 308-7001. The examiner normally works Mon. Fri., 10:30 am – 7:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri, can be reached at (703) 305-0282.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9618.

**Any response to this action should be mailed to:**

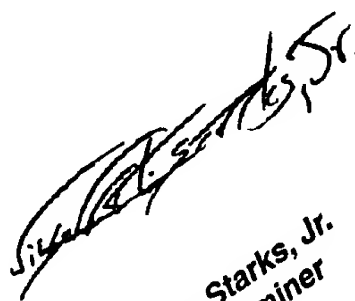
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703) 872 - 9306

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Ronald D. Hartman Jr.  
Patent Examiner  
Art Unit 2121  
February 13, 2004

A handwritten signature in black ink, slanted upwards from left to right. The signature appears to read "Wilbert L. Starks, Jr." with a stylized flourish at the end.

Wilbert L. Starks, Jr.  
Primary Examiner  
Art Unit - 2121